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Letter dated 12 August 2002 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General

Under instructions from my Government, I have the honour to transmit herewith a letter dated 11 August 2002 from Inam ul Haque, Minister of State for Foreign Affairs of the Islamic Republic of Pakistan, addressed to Your Excellency regarding the so-called State Assembly elections being organized by the Government of India in four phases in Indian Occupied Jammu and Kashmir from 16 September 2002 (see annex).

I would be grateful if the text of the present letter could be circulated as an official document of the General Assembly, under agenda item 10, and of the Security Council.

(*Signed*) Munir **Akram**
Permanent Representative

02-52164 (E) 140802

Annex to the letter dated 12 August 2002 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General

Islamabad, 11 August 2002

The Government of India has announced a schedule for the conduct of a four-phase election from 16 September 2002 for the so-called State Assembly in Indian Occupied Jammu and Kashmir. This electoral exercise is another attempt by the Indian Government to give an appearance of legitimacy to its illegal and forcible occupation of Jammu and Kashmir. The Indian Government has repeatedly, since 1951, tried this ploy in a vain attempt to acquire some legitimacy for its occupation of Kashmir.

2. The position of the Government of Pakistan on this issue stems from the relevant Security Council resolutions that promised the Kashmiri people their right to determine their own future through a United Nations-supervised plebiscite. The Security Council has, through its resolutions, clearly pronounced itself on such "electoral" exercises. Security Council resolution 91 (1951) of 30 March 1951 stipulated as follows:

> "*Reminding* the Governments and authorities concerned of the principle embodied in its resolutions 47 (1948) of 21 April 1948, 51 (1948) of 3 June 1948 and 80 (1950) of 14 March 1950 and the United Nations Commission for India and Pakistan resolutions of 13 August 1948, and 5 January 1949, that *the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations*,
>
> "*Affirming* that the convening of a constituent assembly as recommended by the General Council of the 'All Jammu and Kashmir National Conference' and any action that assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the above principle" [emphasis added].

3. Security Council resolution 122 (1957) of 24 January 1957 had the following to say:

> ["*The Security Council* ...]
>
> "*Reaffirms* the affirmation in its resolution 91 (1951) and declares that the convening of a constituent assembly as recommended by the General Council of the 'All Jammu and Kashmir National Conference' and any action that assembly may have taken or might attempt to take to determine the future shape and affiliation of the entire State or any part thereof, or action by the parties concerned in support of any such action by the assembly, would not constitute a disposition of the State in accordance with the above principle."

4. The last State Assembly elections held in Indian occupied Kashmir in 1996 took place against a backdrop of years of brutalization of the Kashmiri people by the Indian occupation forces. Tens of thousands of security personnel were deployed to round up Kashmiri civilians and to force them to go to the polling booths. Despite this unprecedented coercion, voter participation remained abysmally low. For the forthcoming elections, thousands of troops, in addition to the 700,000 Indian army and security forces already present in Indian Occupied Kashmir, are being inducted into the Occupied Territory for the same purpose.

5. If the past is any guide, the planned elections will be devoid of popular participation and will be rigged to obtain predetermined results. While the Indian Government may be in a position to impose illegal and fraudulent elections on the unwilling Kashmiri people in the intimidating presence and pressure of hundreds of thousands of battle-ready troops, the exercise certainly would not carry any semblance of legitimacy.

6. The sole credible voice of the Kashmiri people, the All Parties Hurriyet Conference (APHC) has already rejected the Indian attempt to foist an illegal election on the Kashmiris. In its typical repressive response to the unambiguous position adopted by the APHC, the Indian Government has arrested three leaders, namely Abdul Aziz Sheikh, Yasin Malik and Syed Ali Shah Gilani, out of the seven-member Executive Council of APHC. This is in addition to the arrest of more than 25 other leaders belonging to the APHC as well as hundreds of political activists.

7. There is no let-up in the reign of terror let loose by the 700,000 Indian troops in the State. In fact under the garb of countering terrorism, there has been an upsurge in the Indian oppression and atrocities in Indian Occupied Jammu and Kashmir, where an atmosphere of intimidation, coercion and fear continues to remain all-pervasive.

8. India is also engaged in a well-thought-out plan to muddle the issue by claiming that peaceful elections in Indian Occupied Kashmir would be a litmus test of Pakistan's sincerity for a dialogue with India. This stance is unreasonable and self-serving. Pakistan cannot be asked to accept any responsibility for developments inside Indian Occupied Kashmir. Nor can the onus of the failure of elections be laid at the door of Pakistan by India. The Kashmiri struggle is an indigenous uprising and Pakistan cannot be held responsible for the rejection by the Kashmiri people of such sham elections in the Occupied Territory. Furthermore, the APHC is the representative of the Kashmiri people. It is not for Pakistan to tell the APHC whether to participate or not to participate in the elections. The APHC makes its own decisions.

9. The fraudulent and illegitimate electoral exercise in Indian Occupied Kashmir will not promote a peaceful and just settlement of the Kashmir dispute. It will only prolong the agony of the people of Jammu and Kashmir. It is our view that instead of organizing another electoral farce in Indian Occupied Kashmir, India should enter into a serious and results-oriented dialogue with Pakistan, with the participation of the APHC leadership, to find a fair, durable and honourable solution to the Kashmir dispute in accordance with the principles of justice and international legality as well as the wishes of the Kashmiri people. I would request Your Excellency to use your good offices to achieve this objective as mandated by the Security Council and United Nations Commission for India and Pakistan resolutions.

(*Signed*) Inam ul **Haque**
Minister of State for Foreign Affairs